

United States SenateCOMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

June 20, 2003

The Honorable Spencer Abraham
Secretary
U.S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585

Dear Secretary Abraham,

We are writing today to express our strong concern about the use of public peer-to-peer ("P2P") file-sharing programs by government employees, and to ask that you work to prevent any such activity from occurring in your agency. Peer-to-peer file sharing allows for large-scale copyright violations and the reportedly widespread presence of pornographic materials on taxpayer-purchased government computers; decreases productivity of government workers; and *most importantly, puts sensitive government information at risk.*

Peer-to-peer file-sharing is a breakthrough technology that can enable researchers to work together in real time across great distances, for little cost. But unfortunately, use of P2P technology is not limited to legitimate research projects. P2P networks also facilitate the illegal distribution of copyrighted music and movies, and the astonishingly widespread distribution of pornography of all kinds - including child pornography.

If this issue were only about pornography and copyright violations, that would be sufficient. Indeed, Randy Saaf, President of MediaDefender, testified before the House Committee on Government Reform that "Thousands of government computers are sharing pornography, including child pornography... Heads should roll for this one because it is absolutely ridiculous that government resources are being poached for this cause." Put simply, we agree. Taxpayers should not be subsidizing the collection of massive amounts of pornography, including child pornography.

However, the most serious concern we have about the increasing use of these P2P networks by government employees is the significant risk to sensitive government information that these activities create. This security risk is made possible by the architecture of P2P applications. Under this model, all of a user's files can be openly shared with other users. No "hacking" or specialized knowledge of computer networks is necessary to access another user's files. Indeed, this unfettered access to the files of other users on the network is the entire purpose of the P2P systems.

Studies of P2P network use show that the vast majority of P2P users have no idea of the breadth of data they are sharing with other P2P users – a federal employee intending to simply download and share music files could easily make available every file on his computer, without intending to do so or even realizing it after the fact. This could include personal correspondence, private financial information, and even proprietary and sensitive government information and documents.


It appears from testimony before the Senate Judiciary Committee and the House Government Reform Committee that many government employees are using their time at work to set up P2P software on government computers, search for and obtain pornography of all kinds, and illegally download and distribute copyrighted material. Each of these activities reduces work productivity; many of these activities violate the law; and, most importantly, the entire process opens up government computers and computer systems to invasion by outside entities.

The House and Senate have already prohibited the use of P2P technology on Congressional computers, for the very reasons cited in this letter. The widespread use of these new technologies represents a grave security risk to this nation, and should be treated as such.

We, therefore, ask you to advise us if this activity is occurring within your Department, and if so, what is being done to stop it. We stand ready to help you, in any way we can, to prevent the misuse of government computers, particularly where such misuse opens them up to security violations.

Thank you for your attention to this matter.

Sincerely,


Dianne Feinstein
United States Senator


Jon Kyl
United States Senator


Orrin Hatch
United States Senator


Patrick Leahy
United States Senator